

**§ 665.98**

**50 CFR Ch. VI (10–1–12 Edition)**

the plan's disapproval and provide the community with the opportunity to modify the plan and resubmit it for review. Reasons for disapproval may include, but are not limited to, the following:

(i) The applicant failed to disclose material information or made false statements related to the plan.

(ii) The harvest would contribute to overfishing or would hinder the recovery of an overfished stock, according to the best scientific information available.

(iii) The activity would be inconsistent with an applicable law.

(iv) The activity would create a significant enforcement, monitoring, or administrative problem, as determined by the Regional Administrator.

(5) If approved, the Regional Administrator will publish a notice of the authorization in the FEDERAL REGISTER, and may attach limiting terms and conditions to the authorization including, but not limited to, the following:

(i) The maximum amount of each management unit species and potential bycatch species that may be harvested and landed during the term of the authorization.

(ii) The number, sizes, names, identification numbers, and federal permit numbers of the vessels authorized to conduct fishing activities.

(iii) Type, size, and amount of gear used by each vessel, including trip limits.

(iv) The times and places where fishing may or may not be conducted.

(v) Notification, observer, vessel monitoring, and reporting requirements.

(f) *Duration.* Unless otherwise specified, and unless revoked, suspended, or modified, a plan may be effective for no longer than five years.

(g) *Transfer.* Plans authorized under this section are not transferable or assignable.

(h) *Sanctions.* The Regional Administrator may revoke, suspend or modify a community development plan in the

case of failure to comply with the terms and conditions of the plan, any other applicable provision of this part, the Magnuson-Stevens Act, or other applicable laws.

(i) *Program review.* NMFS and the Council will periodically review and assess each plan. If fishery, environmental, or other conditions have changed such that the plan's goals or requirements are not being met, or the fishery has become in an overfished state or overfishing is occurring, the Regional Administrator may revoke, suspend, or modify the plan.

[75 FR 54046, Sept. 3, 2010]

**Subpart B—American Samoa Fisheries**

**§ 665.98 Management area.**

The American Samoa fishery management area is the EEZ seaward of the Territory of American Samoa with the inner boundary coterminous with the seaward boundaries of the Territory of American Samoa and the outer boundary designated as a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is coterminous with adjacent international maritime boundaries.

**§ 665.99 Area restrictions.**

Fishing is prohibited in all no-take MPAs. The following U.S. EEZ waters around American Samoa are no-take MPAs: Landward of the 50 fm (91.5 m) curve around Rose Atoll, as depicted on National Ocean Survey Chart Number 83484.

**§ 665.100 American Samoa bottomfish fisheries. [Reserved]**

**§ 665.101 Definitions.**

As used in §§ 665.100 through 665.119: *American Samoa bottomfish management unit species (American Samoa bottomfish MUS)* means the following fish:

Samoan name	English common name	Scientific name
palu-gutusaliva .....	red snapper, silvermouth .....	<i>Aphareus rutilans</i> .
asoama .....	gray snapper, jobfish .....	<i>Apion virescens</i> .
sapoanae .....	giant trevally, jack .....	<i>Caranx ignobilis</i> .
tafauli .....	black trevally, jack .....	<i>Caranx lugubris</i> .
fausi .....	blacktip grouper .....	<i>Epinephelus fasciatus</i> .

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Samoan name	English common name	Scientific name
papa, velo .....	lunartail grouper .....	<i>Variola louti</i> .
palu malau .....	red snapper .....	<i>Etelis carbunculus</i> .
palu-loa .....	red snapper .....	<i>Etelis coruscans</i> .
filoa-gutumumu .....	Ambon emperor .....	<i>Lethrinus amboinensis</i> .
filoa-paomumu .....	redgill emperor .....	<i>Lethrinus rubrioperculatus</i> .
savane .....	blueline snapper .....	<i>Lutjanus kasmira</i> .
palu-i'usama .....	yellowtail snapper .....	<i>Pristipomoides auricilla</i> .
palu-'ena'ena .....	pink snapper .....	<i>Pristipomoides filamentosus</i> .
palu-sina .....	yelloweye snapper .....	<i>Pristipomoides flavipinnis</i> .
palu .....	pink snapper .....	<i>Pristipomoides seiboldii</i> .
palu-ula, palu-sega .....	snapper .....	<i>Pristipomoides zonatus</i> .
malauli .....	amberjack .....	<i>Seriola dumerili</i> .

### § 665.102 [Reserved]

### § 665.103 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter and § 665.15, it is unlawful for any person to fish for American Samoa bottomfish MUS using gear prohibited under § 665.104.

### § 665.104 Gear restrictions.

(a) *Bottom trawls and bottom set gillnets.* Fishing for American Samoa bottomfish MUS with bottom trawls and bottom set gillnets is prohibited.

(b) *Possession of gear.* The possession of a bottom trawl or bottom set gillnet within the American Samoa fishery management area is prohibited.

(c) *Poisons and explosives.* The possession or use of any poisons, explosives, or intoxicating substances for the purpose of harvesting bottomfish is prohibited.

### § 665.105 At-sea observer coverage.

All fishing vessels subject to §§ 665.100 through 665.105 must carry an observer when directed to do so by the Regional Administrator.

### §§ 665.106–665.119 [Reserved]

### § 665.120 American Samoa coral reef ecosystem fisheries. [Reserved]

### § 665.121 Definitions.

As used in §§ 665.120 through 665.139:  
*American Samoa coral reef ecosystem management unit species (American Samoa coral reef ecosystem MUS)* means all of the Currently Harvested Coral Reef Taxa and Potentially Harvested Coral Reef Taxa listed in this section and which spend the majority of their non-pelagic (post-settlement) life stages within waters less than or equal to 50 fathoms in total depth.

American Samoa Currently Harvested Coral Reef Taxa:

Family name	Samoan name	English common name	Scientific name
Acanthuridae (Surgeonfishes)	afinamea .....	orange-spot surgeonfish .....	<i>Acanthurus olivaceus</i> .
	Aanini .....	yellowfin surgeonfish .....	<i>Acanthurus xanthopterus</i> .
	.....	convict tang .....	<i>Acanthurus triostegus</i> .
	.....	eye-striped surgeonfish .....	<i>Acanthurus dussumieri</i> .
	ponepone, gaitolama .....	blue-lined surgeon .....	<i>Acanthurus nigroris</i> .
	Alogo .....	blue-banded surgeonfish .....	<i>Acanthurus lineatus</i> .
	pone-i'usama .....	blackstreak surgeonfish .....	<i>Acanthurus nigricauda</i> .
	laulama, .....	whitecheek surgeonfish .....	<i>Acanthurus nigricans</i> .
	Maogo .....	white-spotted surgeonfish .....	<i>Acanthurus guttatus</i> .
	.....	ringtail surgeonfish .....	<i>Acanthurus blochii</i> .
	ponepone .....	brown surgeonfish .....	<i>Acanthurus nigrofuscus</i> .
	.....	elongate surgeonfish .....	<i>Acanthurus mata</i> .
	.....	mimic surgeonfish .....	<i>Acanthurus pyroferus</i> .
	Pone .....	yellow-eyed surgeonfish .....	<i>Ctenochaetus strigosus</i> .
	pone, pala'ia, logoulia .....	striped bristletooth .....	<i>Ctenochaetus striatus</i> .
	.....	two-spot bristletooth .....	<i>Ctenochaetus binotatus</i> .
	ume-isu .....	bluespine unicornfish .....	<i>Naso unicornus</i> .
	ili'ilia, umelei .....	orangespine unicornfish .....	<i>Naso lituratus</i> .
	.....	black tongue unicornfish .....	<i>Naso hexacanthus</i> .
	ume-masimasi .....	bignose unicornfish .....	<i>Naso vlamingii</i> .
Balistidae (Triggerfishes)	.....	whitemargin unicornfish .....	<i>Naso annulatus</i> .
	ume-ulutao .....	spotted unicornfish .....	<i>Naso brevirostris</i> .
	.....	barred unicornfish .....	<i>Naso thynnoides</i> .
.....	sumu, sumu-laulau .....	titan triggerfish .....	<i>Balistoides viridescens</i> .